

Ordinance No: 15-21
Zoning Text Amendment: 03-21
Concerning: Riding Stables
Draft No. & Date: 5 – 3/11/04
Introduced: July 29, 2003
Public Hearing: 9/23/03; 7:30 PM
Adopted: March 16, 2004
Effective: April 5, 2004

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Silverman

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- comprehensively revising the definitions and standards ~~[[regulations]]~~ pertaining to a riding stable; ~~[[and]]~~
- clarifying that a building permit must be issued for certain equestrian facility buildings and structures;
- requiring any riding stable existing before a certain date to comply with certain standards by a certain date; and
- allowing any riding stable existing before a certain date to continue as a conforming use and to make improvements under certain circumstances.
- ~~[[defining equestrian facility to replace the definition of riding stable;~~
- defining informal equestrian event;
- defining minor equestrian event;
- defining major equestrian event;
- amending the definition of “Kennel, Noncommercial” to substitute “Equestrian Facility for “Riding Stable”;
- adding standards for an Equestrian Facility as a permitted use in the agricultural zones; and
- adding special exception standards for an equestrian facility;]]

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 59-A-2	“Definitions and Interpretation”
Section 59-A-2.1	“Definitions”
Division 59-C-1	“Residential Zones”
Section 59-C-1.3	“Land Uses”
Division 59-C-9	“Agricultural Zones”
Section 59-C-9.3	“Land Uses”

Section 59-G-1.23
Section 59-G-2.49

“General development standards”
“Riding Stable”

EXPLANATION: ***Boldface*** indicates a heading or a defined term.
Underlining indicates text that is added to existing laws
by the original text amendment.
[Single boldface brackets] indicate text that is deleted from
existing law by the original text amendment.
Double underlining indicates text that is added to the text
amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted
from the text amendment by amendment.
** * ** indicates existing law unaffected by the text amendment.

OPINION

Zoning Text Amendment No. 03-21 was introduced on July 29, 2002. The ZTA is a comprehensive revision to the riding stable regulations. The ZTA provides new policies and standards affecting riding stables in the agricultural reserve and certain residential zones. The ZTA clarifies, with certain exceptions, Council policy established in 1998 that in the agricultural zones any horse farm, private riding stable, or commercial riding stable should be uses permitted by right. This previous policy was not correctly codified in law. ZTA 03-21 implements previous policy and comprehensively revises the riding stable regulations, and substitutes the term “Equestrian facility” for “Riding stable”, as a more appropriately descriptive reference.

The Montgomery County Planning Board in its report to the Council recommended that ZTA 03-21 be deferred or denied. The Board suggested that alternative legislation be considered.

The County Council held a public hearing on September 23, 2003, to receive testimony concerning the proposed text amendment. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held worksessions on October 20, and November 24, 2003, and January 15, 2004. The Committee (2-1) recommended that ZTA 03-21 be approved with revisions. Key revisions recommended by the Committee included: (1) definitions for the terms equestrian activity, equestrian event, equestrian facility, and paddock; (2) requiring a building permit for construction of an equestrian facility building used by a substantial number of people; (3) grandfather provision to allow an existing riding stable to continue as a conforming use; (4) limiting the number of minor and major equestrian events that may take place each year; (5) requiring the issuance of a permit for each major equestrian event; (6) requiring an existing riding stable to comply with the nutrient management, water quality, and soil conservation standards by a certain date; (7) adding comprehensive setback standards; and (8) requiring the submission of a lighting plan.

The District Council reviewed Zoning Text Amendment No. 03-21 at worksessions held on March 2 and March 16, 2004. The Council agreed as a general policy that any agricultural or agriculturally-related activity should be permitted by right in the agricultural reserve, rather than by special exception. The Council believes that ZTA 03-21 implements this policy by establishing appropriate by right standards for riding stables, and allowing riding stables that do not meet the by right standards to apply for a special exception. It has been established that about 12 riding stables exist by special exception in the agricultural reserve.

Under the ZTA, any riding stable established by special exception before the effective date of ZTA 03-21 may operate as a permitted use, if the by right standards established in the ZTA are met. In addition, any riding stable established before the ZTA effective date not in compliance with the new standards may continue to operate as a conforming use. Recognizing that an equestrian facility in the agricultural zones may include a main dwelling so long as the minimum tract size requirements are met, the Council agreed that an accessory dwelling may be

provided in addition to a main dwelling for the limited purpose of housing agricultural workers actively engaged on a full-time or part-time basis in managing or maintaining a lawful agricultural use that is under the control of the owner or operator of the property on which the accessory dwelling is located. The Council requested the Planning Board staff, Agricultural Services Division of the Department of Economic Development, and the Department of Permitting Services to work together to develop a report assessing the environmental, economic, and other measures of effectiveness of the equestrian facility regulations and to report their findings to the Council no later than two years after the effective date of ZTA 03-21.

For these reasons and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 03-21 will be approved as amended.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. Division 59-A-2 is amended as follows:

DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.

59-A-2.1. Definitions.

* * *

Agriculture: The business, science and art of cultivating and managing the soil, composting, growing, harvesting, and selling crops and livestock, and the products of forestry, horticulture and hydroponics; breeding, [or] raising, or managing livestock, including horses, poultry, fish, game, and fur-bearing animals, dairying, beekeeping and similar activities, and equestrian events and activities ~~[[including the boarding, breeding, and training of horses]]~~. Agriculture includes processing on the farm of an agricultural product in the course of preparing the product for market and may or may not cause a change in the natural form or state of the product.

* * *

Equestrian activity: The care, breeding, boarding, rental, riding or training of horses or the teaching of equestrian skills.

Equestrian event: A competition, exhibition, or other display of equestrian skills

Equestrian event, informal: A competitive or non-competitive event that involves between 26 and ~~[[75]]~~ 50 ~~[[equestrians]]~~ participants and spectators, per day.

Equestrian event, major: A competitive or non-competitive event that ~~[[does not involve more than]]~~ involves between 151 and 300 ~~[[equestrians]]~~ participants and spectators, per day.

Equestrian event, minor: A competitive or non-competitive event that ~~[[does not involve more than]]~~ involves between 51 and 150 ~~[[equestrians]]~~ participants or spectators, per day.

27 **[[Equestrian facility:** Any building(s), structure(s), or land area that is used or
28 designed for the care, breeding, boarding, rental, riding, sport eventing, training of
29 horses or ponies or the teaching of equestrian skills and for competitive equestrian
30 events. An equestrian facility may conduct equestrian events for the display of
31 riding ability. An equestrian facility may be private or commercial in nature.]]

32 * * *

33 **Equestrian facility:** Any building, structure, or land area that is used primarily for
34 an equestrian activity or event.

35 **Kennel, noncommercial:** Any building or buildings and land used, designed or
36 arranged for the boarding, breeding or care of dogs, cats, or other domestic animals
37 belonging to the owner thereof and kept for purposes of show, hunting or as pets.
38 An equestrian facility [A riding stable] is not a kennel.

39 * * *

40 **Paddock.** A fenced area, internal to an equestrian facility, where horses are
41 exercised or pastured. Paddock fencing is not perimeter fencing of an equestrian
42 facility.

43 * * *

44 **Riding stable:** [Any building, structure, or land area, other than a horse farm, that
45 is used or designed for the care, breeding, boarding, rental, or training of horses or
46 ponies other than farm livestock. A riding stable may conduct horse shows for
47 competition or other display of riding ability.] See “Equestrian Facility.”

48 **Sec. 3. Division 59-A-3 is amended as follows:**

49 **DIVISION 59-A-3. BUILDING AND USE-AND-OCCUPANCY**
50 **PERMITS; REGISTRATION OF CERTAIN USES.**

51 **59-A-3.1. Building permit.**

52 **(a) Building permits generally.** A building permit must be issued by the
53 director before any building or other structure can be erected, moved,

structurally altered, added to, or enlarged and before any excavation can be started. A building permit is not required for any building or structure to be used exclusively for purposes of agriculture upon land used exclusively for agriculture. However, a building permit is required for any: (i) building or structure to be used for a purpose that is not exclusively agricultural in nature, including special exception uses, even though located on otherwise agricultural land, and (ii) any equestrian facility building or structure intended for use by participants or spectators at an equestrian event.

Sec. 2. Division 59-A-4 is amended as follows:

DIVISION 59-A-4. County Board of Appeals.

59-A-4.123. Adoption of Resolutions.

* * *

- (c) The affirmative vote of at least 4 members is required to adopt a resolution granting, revoking, suspending, modifying, amending, or extending the time in which to implement a special exception. However, any action regarding the following special exceptions in an agricultural zone requires the vote of 3 members:

* * *

Equestrian Facility

* * *

[Riding stable, commercial]

Sec. 3. Division 59-C-1 is amended as follows:

DIVISION 59-C-1. RESIDENTIAL ZONES, ONE-FAMILY.

59-C-1.31. Land Uses.

	RE-2	RE-2C	RE-1	R-200	R-150	R-90	R-60	R-40	R-4 plex	RMH 200
(e) Cultural, entertainment and recreational										
* * *										
[Equestrian facility] ⁴²	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>					<u>SE</u>
* * *										
[Riding stables] ⁴²	SE	SE	SE	SE	SE					SE]
* * *										
(f) Resource production [and] extraction and Agriculture.										
* * *										
Equestrian facility] ⁴²	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>					<u>SE</u>

⁴² Any [[equestrian facility that was first established as a]] riding stable established by special exception in the R-90 zone before May 6, 2002 is a conforming use and may be modified, repaired, [[or]] reconstructed, or enlarged a maximum of 5% of the total floor area in accordance with the special exception standards in effect before May 6, 2002. Any riding stable, including buildings, show rings, paddocks, activities and events established by special exception in the [[RE-2, RE-1C, RE-200, or R-200]] RE-2, RE-2C, RE-1, R-200, R-150 or RMH-200 zones before April 5, 2004 is a conforming use and may be modified, reconstructed, or enlarged in accordance with the special exception standards in effect after April 5, 2004 except that any riding stable existing in the [[RE-2, RE-1C, RE-200, or R-200]] RE-2, RE-2C, RE-1, R-200, R-150 or RMH-200 zones before April 5, 2004 must be in compliance with the nutrient management, water quality, and soil conservation standards of 59-G-2.49(f) no later than March 2, 2005.

Sec. 4. Division 59-C-9 is amended as follows:

DIVISION 59-C-9. AGRICULTURAL ZONES.

* * *

59-C-9.3. Land uses.

	Rural	RC	LDRC	RDT	RS	RNC
(a) Agricultural:						
* * *						
<u>Equestrian facility*</u>	P/SE	P/SE	P/SE	P/SE	P/SE	SE
(e) Residential:²						
* * *						
<u>Accessory dwelling for agricultural workers*</u>				P		
(i) Cultural, Entertainment and Recreational:						
* * *						
[Riding stable. ¹⁷	P/SE	P/SE	P/SE	P/SE	P/SE	SE]

* Only for workers actively engaged on a full-time or part-time basis in managing or maintaining a lawful agricultural use that is under the control of the owner or operator of property on which the accessory dwelling is located. An accessory dwelling for use by agricultural workers is permitted in addition to a main dwelling.

[17 Minimum lot area for one or 2 horses is 2 acres. For 3 to 10 horses, the minimum lot area is 5 acres. If more than 10 horses are kept, the minimum lot area of 5 acres must be increased by one-half acre per horse. A maximum of 2 horses may be rented out for recreational riding or instruction. A maximum of 2 horses not belonging to the property owner may be boarded. Any riding stable for more than 10 horses must coordinate with the soil conservation district in the development of a soil and water conservation plan. If more than two horse shows are conducted per year and the property contains less than 25 acres, a special exception is required.]

*Any riding stable, including buildings, show rings, paddocks, activities and events established in an agricultural zone before April 5, 2004 is a conforming use and may be modified, reconstructed, or enlarged in accordance with the standards in effect after April 5, 2004 except that any riding stable existing before April 5, 2004 must be in compliance with the

nutrient management, water quality, and soil conservation standards of 59-C-9.31(c) no later than March 2, 2005.

59-C-9.31. Equestrian facility standards as a permitted use in the agricultural zones.

(a) Equestrian events:

(1) Any equestrian event [[or activity]] that does not involve more than 25 [[equestrians]] participants and spectators may take place on any site that has at least [[25]] 18 acres [[of land]].

(2) An informal equestrian event may take place on Saturdays, Sundays and Holidays at any time on any site that has at least [[25]] 18 acres [[of land]]. An informal equestrian event may take place [[on any two weekdays each week]] no more than 6 weekdays in any calendar month on at least [[25]] 18 acres [[of land]].

(3) [[Up to]] No more than [[8]] 7 minor equestrian events may take place each year on any site that has at least [[50]] 25 acres [[of land]].

(4) [[Up to]] No more than [[4]] 3 major equestrian events may take place each year on any site that has at least 75 acres [[of land]] and that has direct access to a roadway with an arterial or higher classification. A permit must be obtained from the Department of Permitting Service for each major event. Each major event must not take place for more than 3 consecutive days. The applicant must specify the nature of the event, the anticipated attendance of spectators and participants, the number of days the event will take place, the hours during which the event will take place, the area to be used for parking, any traffic control measures intended to be put in place, and any other information determined by the Department of Permitting Services to

be relevant to the issuance of the permit. A fee for issuance of the permit may be set by the Department.

(5) A maximum of 10 major and minor equestrian events may take place each year at any equestrian facility.

(6) An equestrian event must not be held on a site that does not have the minimum acreage specified in this subsection.

(b) Minimum number of gross acres per horse [[Number of horses kept or Boarded]]:

[(1) A minimum tract area of 2 acres is required for one or 2 horses.

(2) A minimum tract area of 5 acres is required for 3 to 10 horses.

(3) If more than 10 horses are kept or boarded, the minimum tract area of 5 acres must be increased by one-half acre for each additional horse.]]

(1) For 1-2 horses, 2 acres;

(2) For 3-10 horses, one acre per horse;

(3) For more than 10 horses, an additional one-half acre per horse.

(c) Plan Approvals and Compliance.

[[An equestrian facility must meet all nutrient management, water quality and soil conservation standards of the County and State and must submit a nutrient management plan approved by the Cooperative Extension Service and a soil conservation and water quality plan approved by the Montgomery Soil Conservation District Board of Supervisors to the Department of Permitting Services within one year of commencement of operations. Each such plan must be reapproved and resubmitted to the Department of Permitting Services every five (5) years.]] Any equestrian facility that keeps or boards more than 10 horses must meet all nutrient management, water quality and soil conservation standards of the

County and State. A nutrient management plan prepared by a qualified professional and a soil conservation and water quality plan prepared by the Montgomery Soil Conservation District Board must be submitted through a letter of certification by the landowner to the Department of Permitting Services, or other relevant agency. Enforcement of the nutrient management, water quality, and soil conservation plans is the responsibility of the State of Maryland. The land owner must obtain all plans within one year after commencement of operations. Any equestrian facility existing before April 5, 2004 must comply with the requirements of this subsection no later than March 2, 2005.

(d) Setbacks.

[(1) Buildings in which horses are kept or boarded must be setback a minimum of 50 feet from all property lines]]

Each building, show ring, paddock, outdoor arena, and manure storage area must be located at least 100 feet from any existing dwelling on an adjacent tract of land.

[(2) Outdoor arenas must be setback a minimum of 75 feet from any property line

(3) Outdoor arenas must be setback a minimum of 100 feet from the nearest side wall of an adjoining detached single-family residence on a record lot

(4) Outdoor arenas must be setback a minimum of 135 feet from the nearest rear wall of an adjoining detached single-family residence on a Record lot.]]

(e) Noise Levels.

Amplified sound must meet all requirements of Chapter 31B.

[(1) Amplified noise levels at the property line of an equestrian facility that is adjacent to a detached single-family residence on a Record lot must not exceed 65 dBA during the daytime or 55 dBA at a receiving area immediately adjacent to the property line of the record lot during the nighttime after 9pm Sunday through Thursday and after 11pm Friday and Saturday.]]

[(2) The noise levels do not apply to:

[(A) Agricultural field machinery used and maintained in accordance with the manufacturer's specifications;

(B) Sound, not electronically amplified, created between 7 a.m. and 11 p.m. by usual activities normally associated with an equestrian facility including shows, events or other gatherings.

(3) The measurement of sound must be in accordance with regulations issued by the Department of Permitting Services under Chapter 31B of the County Code establishing the equipment and techniques used to measure sound levels. The Department of Permitting Services may rely on currently accepted standards of recognized organizations, including the American National Standards Institute (ANSI), American Society for Testing and Materials (ASTM), and the United States Environmental Protection Agency.]]

(f) Lighting.

[(1) Outdoor lighting must be appropriate for the activity for which lighting is required, and must include glare and spill control devices.

(2) Outdoor lighting must be designed and aimed downward toward the activity area and must not cause nuisance glare beyond the property lines.

(3) Full cut off type fixtures must be used for outdoor lighting unless a waiver to use a different fixture is approved by the Department of Permitting Services.

(4) Outdoor Lighting must not obscure astronomical observation from off-site locations.]]

Any outdoor arena lighting must direct light downward using full cutoff fixtures, not produce any glare or direct light onto nearby properties, and not be illuminated after 10 p.m., except for an equestrian event which must not be illuminated after 9 p.m. Sunday through Thursday. A lighting plan that establishes compliance with this provision must be submitted to Planning Board staff for approval before an electrical permit may be issued.

(g) Hours [[of Operation]] an equestrian event may operate.

[[Riding instruction and informal equestrian events are permitted from 6 am to 10 pm Sunday through Thursday and from 6 am to 11 pm Friday and Saturday. Minor equestrian events and major equestrian events are permitted only from 6 am to 11 pm Fridays and Saturdays and from 6 am to 10 pm Sundays and holidays.]]

An equestrian event may operate only from 6 a.m. to 9 p.m. Sunday through Thursday and from 6 a.m. to 10 p.m. Friday and Saturday.

(h) [[An equestrian facility requires a special exception only if:

(1) one or more informal equestrian events or one or more minor or major equestrian events are proposed to be held on a tract of land containing less than 25 acres of land.

(2) any type of equestrian event that is not allowed on a particular tract of land by subsection (a).

(3) the number of equestrian events proposed for an equestrian facility exceeds the maximum number of such events allowed by subsection (a).]] An equestrian facility special exception may be filed with the Board of Appeals to deviate from any permitted use standard regarding: (1) number of participants and spectators, (2) number of events each year, (3) event acreage, (4) hours of operation, and (5) a road classification requirement. An equestrian facility special exception must be renewed every five years at which time the Board must evaluate the effectiveness of the terms and conditions of the original special exception grant.

Sec. 5. Division 59-G-1 is amended as follows:

DIVISION 59-G-1. SPECIAL EXCEPTIONS—AUTHORITY AND PROCEDURE.

* * *

* * *

(c) **Minimum frontage.** In the following special exceptions the Board may waive the requirement for a minimum frontage at the street line if the Board finds that the facilities for ingress and egress of vehicular traffic are adequate to meet the requirements

59-G-1.23. General development standards.

* * *

(6) [Riding stables] Equestrian facility.

Sec. 6. Division 59-G-2 is amended as follows:

DIVISION 59-G-2. SPECIAL EXCEPTIONS—STANDARDS AND REQUIREMENTS.

* * *

59-G-2.49. [Riding stable] Equestrian facility in a residential zone[[s]].

The following provisions apply to [a riding stable] an equestrian facility in any residential zone where [allowed by] a special exception is required:

[(a) The minimum [lot] tract area required for one or 2 horses is 2 acres.

(b) If 3 to 10 horses are kept, the minimum [lot] tract area is 5 acres. If more than 10 horses are kept, the minimum [lot] tract area of 5 acres must be increased by one-half acre per horse.]]

(a) Minimum number of gross acres per horse:

(1) For 1-2 horses, 2 acres;

(2) For 3-10 horses, one acre per horse;

(2) For more than 10 horses, an additional one-half acre per horse.

A 5-acre riding stable accommodating more than 10 horses for which a petition was filed with the board prior to March 25, 1986, is a conforming use and may be amended in accordance with the modification provisions of section 59-G-1.3(c).

[[(c) No building, show ring, paddock area or manure storage may be located less than 50 feet from the nearest property line, unless the Board or Hearing Examiner grants a waiver upon a finding that the reduced setback is compatible with adjacent land uses.]]

(b) Each building, show ring, paddock, outdoor arena, and manure storage area must be located at least 100 feet from any existing dwelling on an adjacent tract of land.

[[(d)]](c) In order to prevent adverse impact on adjoining uses, the Board may limit or regulate:

(1) The number of horses [not belonging to the property owner] that may be kept or boarded.

(2) The number of horses that may be rented out for recreational riding or instruction.

(3) The number and type of ~~[[horse shows]]~~ equestrian events that may be held in a one-year period.

(4) The hours of operation of any equestrian activity or event.

~~[[5]]~~ Outdoor lighting that results in demonstrated adverse impact on adjoining residentially developed property that is not considered agricultural land for state property tax assessment purposes.]]

~~[[e)]]~~ (d) [Any riding stable for more than 10 horses must coordinate with the soil conservation district in the development of a soil and water conservation plan.] Any equestrian facility on less than ~~[[five]]~~ 5 acres must establish through a pasture maintenance plan, feeding plan and any other document[[s]] the Board [[may]] requires, that the property contains sufficient open pasture to ensure proper care of the horses and proper maintenance of the property.

~~[[f)]]~~ (e) [In evaluating the compatibility of this special exception with surrounding land uses, the Board must consider that the impact of an agricultural special exception on surrounding land uses in the agricultural zones does not necessarily need to be controlled as stringently as the impact of a special exception in the residential zones.] All animal waste must be handled in accordance with state requirements for nutrient management.

~~[[g)]]~~ (f) [All animal waste must be contained and controlled on the site.] [[Any equestrian facility requiring a special exception must meet all nutrient management, water quality, and soil conservation standards of the county and state; and must submit a nutrient management plan approved by the Cooperative Extension Service and a soil conservation and water quality plan approved by the Montgomery Soil Conservation District Board of Supervisors, both of which are to be submitted to the Department of Permitting Services within one year following approval of the special exception]] Any equestrian facility that keeps or boards

more than 10 horses must meet all nutrient management, water quality and soil conservation standards of the County and State. A nutrient management plan prepared by a qualified professional and a soil conservation and water quality plan prepared by the Montgomery Soil Conservation District Board must be submitted through a letter of certification by the landowner to the Department of Permitting Services, or other relevant agency. Enforcement of the nutrient management, water quality, and soil conservation plans is the responsibility of the State of Maryland. The land owner must obtain all plans within one year after commencement of operations. Any equestrian facility existing before April 5, 2004 must comply with the requirements of this subsection no later than March 2, 2005.

(g) Any outdoor arena lighting must direct light downward using full cutoff fixtures, not produce any glare or direct light onto nearby properties, and not be illuminated after 10 p.m., except for an equestrian event which must not be illuminated after 9 p.m. Sunday through Thursday.. The Board may require that a lighting plan be submitted to Planning Board staff for approval.

59-G-2.49.1. An equestrian [[Equestrian]] facility in an agricultural zone[[s]].

In addition to the standards of 59-C-9.31 for an equestrian facility permitted by right, [[T]] the following [[provisions]] standards apply to an equestrian facility in the agricultural zones where a special exception is required:

(a) [[In order to prevent adverse impact on adjoining uses, the]] The board may grant a special exception for an equestrian facility as provided in 59-C-31(h) [[limit or regulate the number of equestrian events that exceed the number permitted for the particular property based on its acreage upon a finding that the additional shows equestrian events]] upon a finding that the equestrian

facility will not adversely affect adjoining land uses or the surrounding road network. The applicant has the burden of producing substantial evidence that the property has adequate access to accommodate the additional traffic and that the road from which the property has access and the nearest intersections operate[[ing]] at an acceptable level of service [[utilizing]] based on [[the]] Local Area Transportation Review Guidelines [[adopted by the Planning Board]].

(b) In evaluating the [[impact]] compatibility of an equestrian facility special exception on the surrounding [[road network and]] land uses in [[the]] an agricultural zone[[s]], the Board must [[take into account]] consider [[the legislative determination]] that the impact of [[this]] an agricultural special exception on surrounding land uses in [[the]] an agricultural zone[[s]] does not necessarily need to be controlled as stringently as the impact of a [[similar]] special exception in [[the]] a residential zone[[s]].

Sec. 7. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

Mary A. Edgar, CMC
Clerk of the Council